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STATEMENT OF FACTS

IN CONNECTION WITH THE

PETITION OF THE

SPRINGFIELD AQUEDUCT COMPANY,

FOR AN ADDITION

To their Act of Incorporation.

- ALSO. -

HON. W. G. BATES' ARGUMENT

BEFORE THE COMMITTEE OF THE LEGISLATURE,

ON THE SUBJECT

MARCH, 23, 1849.

SPRINGFIELD:

G. W. WILSON, PRINTER, CORNER MAIN & STATE STS.

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Howard Memorial Library

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STATEMENT OF FACTS:

The Springfield Aqueduct Company having presented a petition to the State Legislature for an extension of their act of incorporation of last year, and having been met with the opposition of a number of individuals, mostly citizens of this town but partly of citizens of an adjoining town, and the subject being one of deep interest to the citizens generally, it has been thought highly proper to give a brief statement of the facts in the case, as they have been developed since the petition was presented in January last.

The petition asks leave to use "*for the purposes of the Aqueduct,*" such springs or streams of water as the company may *purchase*, with such privileges, and be subjected to such liabilities as are usual in similar cases.

The original act it will be remembered, was opposed most strenuously, by several individuals, and no effort was left untried to defeat it. Among other expedients a town meeting was called, and the question submitted to the citizens. The result was as is well known, a computed majority of five to one in favor of the petition. This decided expression of the citizens did not seem to be satisfactory to the opponents, for the bill which was reported by the Legislative Committee, was contested most obstinately through all its stages.

It was well known that the opposition to this bill did not proceed from any *settled principles* applying to other cases involving the same principles, for three other bills for aqueducts were before the legislature at the same time, and they passed through all their stages, and became the laws of the state without a word of opposition from the individuals who so strenuously opposed the petition of the citizens of Springfield. It is also well known, that the opposition proceeded mainly from persons living out of the District where the aqueduct was located, and also who were men of wealth, possessed of ample means to provide themselves with water, and most of whom had aqueducts of their own. A portion of the opponents however were officers of the United States Armory, who had sufficient influence to procure the names to a remonstrance of some 50 or 60 of the armorers, who lived at a distance of from one to two miles, and who could not have had the slightest interest in the question.

The origin of this opposition was well understood to be a personal grudge against Mr. Stearns, the projector of the aqueduct, and it is very generally supposed, that if any other citizen in the town had been in his place, not a movement would have been made against the bill for incorporating the aqueduct company. It has been thought proper to

allude to the origin of the opposition, because members of the legislature and others living at a distance from Springfield, have often expressed their wonder that any opposition, whatever, should have been started against an enterprize so beneficial in its effects, as the abundant and cheap supply of pure water.

In the progress of the bill before the legislature of last year, the opponents succeeded in restricting the right to the use of certain springs, "four in number;" and although this restriction was objected to, as unusual and wrong, the petitioners acquiesced in it, as it was supposed the quantity afforded from these four springs, might furnish a tolerable supply for a year or two, and with the confident expectation that future legislatures would not deny a further supply, when it could be shewn that it was needed.

It has resulted that the unexpected demand for water by new applicants, consequent in a great degree upon the influx of population into the district where the aqueduct runs, and by citizens who had previously managed to get along with their other means of supply, has caused a *necessity* for a further supply of water. The Springfield Aqueduct Company has therefore petitioned the Legislature to that effect, and they desire to be permitted to use the springs, or streams which they may "*purchase*," and this supply is well understood in this community, to refer to the northern branch of the head of the north end brook, on land of Charles Stearns, east of the road leading from the Armory to Cabotville, and a small tributary to the garden brook, rising in the ravine near the old United States Magazine, on land now owned by Hon. J. Mills, and also running through land of Mr Stearns.

These sources of water were what the petitioners ask leave to use if purchased by voluntary agreement, so far as they are needed for the purposes for which aqueduct water is ordinary used by the citizens of the village, and the Company are bound to make good all damages which they may cause by their operations.

A general statement will now be made of the most important parts of the evidence which was produced before the Committee at their session, on the hearing of the case on the part of the petitioners, and of that of the remonstrants commencing Feb. 20, 1849.

Mr. Stearns, agent of the Co stated to the com. that the time had arrived when it was necessary to take more water into the aqueduct than is allowed by the Act of last year, and he produced the evidence of Heman Smith Esq., John D. Gould, Lewis Foster, Jr., and Joseph Stebbins; all of whom testified strongly as to the increasing population in districts of the town where no other water of a quality fit for use could be procured. It was not anticipated that any one in Springfield would have the boldness to deny the exigency for more water, even if no direct proof on the stand had been produced, as it was a fact of such common notoriety.

Mr. Ansel Phelps the Attorney for the remonstrants, however, did deny that any exigency existed, which required the interposition of the authority of the Legislature, and gave notice that he should object to

the granting of power to use any water not included in the Act heretofore passed.

February 21.

Mr. Phelps for the remonstrants, read the several remonstrances which had been presented, which were signed by about 100 persons, including the overseers of the poor of Springfield.

The witnesses for the remonstrants consisted of Elijah Blake, Daniel Hitchcock, S. S. Day, Josiah Hooker, Addison Gilmore, President of the Western Rail Road, George Bliss, George Dwight, James Brewer and Henry Sargent.

Mr. Blake's testimony went mostly to the point that the poor house farm would be injured by a diversion of any part of the water, principally on account of the uses which were made of it for the house, but he admitted that if the aqueduct water was taken to the Poor-house, it would be a better supply than they had at present. He also said that the Selectmen visited the farm in a body with particular reference to the damage which the Town would sustain, and declined acting in the matter, referring it to the Overseers of the Poor.

Mr. Hitchcock told about the sources of the brook and gave an opinion as to the proportion of water that would be diverted by the proposed aqueduct, and the damage that would be sustained by the Town and individuals.

Mr. Day is an owner of land on the line of the brook, and if the water were entirely taken away it would be of little value. Had been a water taker at the American House, where previously he had no good water; his well water was brackish and bad. Had no water power on his lot.

Mr. Hooker testified about the stream running through his farm, and that "*no money* would tempt him to part with the water"; understood that in the Act of last year there was an agreement to except this stream, and opposition to the bill was abandoned in consequence. Spoke of the Mill River project, would not admit there is an exigency for more water, but don't think the springs owned by the Aqueduct Co. would furnish water to supply the present demand, and for two or three years hence. Takes the aqueduct water for a hotel and several houses.

The President of the Western Rail Road was brought before the committee to testify in regard to a contract between the Corporation and Charles Stearns, and it having properly nothing to do with the question, it will not be farther noticed.

Mr. George Bliss did not think there was any public exigency for the water amounting to a necessity for any portion of the population. Did not think the meadow could furnish water for family purposes. All the meadow south of the Railroad could be furnished with aqueducts from the adjacent high-grounds. Supposes he has water on his grounds enough to supply 200 families: so far as his knowledge extends there is not a shadow of necessity for an extension of power to the Company; never have known any difficulty in obtaining water from these sources by persons who choose to do so.

"Supposed if *we* gave you the water of the springs included in the bill, you would never ask for more."

The proper way to supply Springfield with water is from Mill River, in iron pipes. Should not think it as good as the water of the Aqueduct Company.

Geo. Dwight—Is a proprietor in the Gas Works; is partly dependent on the Aqueduct Co. for water. There is no doubt of abundance of springs in the hill south of the Rail Road, accessible to the people. There is an ample source of supply for the people if they choose to seek it. Don't think the small freeholders *could* individually procure fountains of water, they would have to form associations.

James Brewer—The meadow *must* be supplied by Aqueducts. There is a convenience, but do not think there is a necessity for more water for the flat. South and north of the Railroad in the meadow there is a necessity for more water. I am supplied at my tenements in the meadow, by the Aqueduct Company.

Henry Sargent—Owns several acres of land watered by north brook, and is apprehensive that a diversion of a portion of the water will be injurious to his property.

The hearing at this stage was adjourned to a time afterwards to be agreed upon. The Agent of the Aqueduct Co. considered that he had made out a clear case of exigency, and if he had done so, he supposed that if the precedents of former Legislatures had been followed, a bill would have been reported. It was thought proper however to examine the case farther, and it was continued to March 21.

The testimony at the second hearing on the part of the remonstrants, has been so generally commented upon by Mr. Bates, in his argument on the part of the petitioners, which will accompany this statement, that it will not be necessary to allude to it, except on one or two points upon which it may be proper to say a word.

The testimony on the part of the petitioners will be given in a very condensed form.

Charles Stearns—Exhibited a map of the several streams mentioned in the case, showing the whole lines of aqueduct pipes, exceeding 13 miles in length. Has a dam and reservoir on garden brook, which he thinks very much more than compensates the water privileges below, for the water taken in the aqueduct pipes; has two other places on the same stream which may be made at small expense to serve the same purpose. The Aqueduct Co. do not propose to take any body's springs except by fair purchase; all springs which are less than 80 feet elevation above Main street, are utterly useless to the Aqueduct Co., for the reason that their reservoirs are all on that elevation, and all on a level with each other.

The water of the north branch of north end brook, is by *actual measurement*, about two-fifths of what comes from east of the Armory road, and by estimation, about one-fifth of the amount which crosses the road near Francis Burt's. The taking of the stream proposed, would not injuriously diminish the supply of the pastures, &c. below, for any

purpose for which it has as yet been used. There would be as little injury to proprietors of lands, by taking this water and in laying the pipes, as there would be in any case which could be imagined. Speaking for the Aqueduct Company, he should be willing that a provision should be made in the bill, that if there should be a deficiency, it would be supplied from the Aqueduct. Since the Act of last year, about 140 new takers have been supplied, and there are now 900 to 1,000—there are now over 50 applicants for the water, about 3-4ths of them live on the flat. These have no means of supplying themselves except from the Aqueduct. On the east of Chestnut street, the ground is much of it hard pan, and does not afford an adequate supply of good water. In regard to fire reservoirs, with a good supply of water at the sources, no fire machinery in the town could exhaust it.

In the district where the aqueduct goes, 150 dwellings calculated to accommodate 300 families, have been built during the last year, and there is a good prospect of as many more the present year.

Parvin Clapp—Has worked on the Aqueduct as a foreman, a large part of the time it has been building. Knows there is a great want of water in the district spoken of—lives on the corner of Main and Ferry streets—knows of no well in use, east of Main street, north of the Railroad. The part of the town where the Aqueduct runs, is increasing faster than any other part. The present water takers are not fully supplied, and on the high ground, at times, they cannot get any water at all—it is necessary to shut off the water of nights to fill a large reservoir, to supply this section; the springs asked for would make the supply good; there would be a good supply left for stock, &c., in the pastures, if this water were taken.

Col. E. Russell—Formerly owned the Hampden House; now lives in Elm street, near Court Square. Thinks there is a great want of water in this village.

The wells, west of Main street, are not fit for washing—have a well, but do not use it; before the Aqueduct was built, I used to bring water for washing, from the river—the neighbors did the same. The deficiency last year has been so great, that we have had to draw water Sunday evenings, to wash with Mondays—the district north of the Railroad has no springs, and is populating faster than any other part of the town; it has no other means to get water except by this aqueduct. The public safety requires that there should be a large supply of water to fill the fire reservoirs. Springs flowing from the foot of Chestnut street are not high enough to run on the west side of Main street, where he lives—thinks the diversion of the north branch of north end brook, would diminish it 1-4th or 1-6th, at the old Cabot road.

J. D. Gould—Foreman of the Aqueduct Co.—The people are calling on me every day to give them more water. I answer them that I give them all we have, and can give them no more, unless we have more springs—was present at the measurement of the Vanhorn, and other springs, and the proportion stated by Mr. Stearns, is correct.

The springs are lower this winter, than in a dry time in the summer. Have put in six new hydrants since the last hearing, and have had ten or twelve new applications since.

Heman Smith, Esq.—Made the plans ; they are essentially accurate. Chestnut street, at the Railroad crossing, is 20 feet higher than Main street. The highest point to which the service pipes go, is 55 feet above Main street. Have no doubt that if the brook running through the Town Farm were diverted, the land for agricultural purposes would be better for it ; it cannot be used for irrigation, and the land through which the brook flows, is already too wet. The town brook is useful merely to carry off the filth of the village.

Samuel Bailey—Lives on State street—ten years ago took water from the Aqueduct of George Bliss, which runs through my garden—every summer there was a difficulty of water. When the new aqueduct was started, applied to Mr. Stearns to have it brought to my house, at whatever cost ; have taken it ever since. Lately have been short of water and have been to my neighbors for it ; think the growth of the village will go on for ten years at the present rate, and there is no other way to get water so good as this.

John B. Kirkham—Live near Mr. Bailey's ; am an Engineer in the fire department—had charge of building the fire reservoirs ; one is above my house ; one or two only of the reservoirs could be filled otherwise than by the Springfield Aqueduct—think it important in case of fire to have the aqueduct up to keep up the supply at the reservoirs. The aqueduct is not now sufficient in quantity to supply the citizens and at the same time to keep up the supply at the fire reservoirs in case of a large fire. Main street is 50 rods from the river at Elm street. The water in Town brook is frequently muddy, and the sand and grit is injurious to the fire engines ; made an unsuccessful application to Mr. Orne for water to fill the reservoir near his house, from his private aqueduct.

Joseph Stebbins—Is a farmer ; the Town farm is now too wet and boggy, and needs draining. The meadow east of Main street was formerly boggy and liable to be overflowed, but has been drained by lowering the Town brook, and by a sewer to the river. The Town Farm would be benefitted by draining, and will not raise good crops till it is.

J. D. Decreet, Esq.—Was a member of the Legislature, and a member of the Committee on Manufactures, last year ; is in the lumber business ; live on Chestnut street, and have the aqueduct water. Since the last session of the Legislature, the water at my place has been short—have heard the same from other quarters—dont know of any other sources of equally good water except from springs near those used by the company—and an aqueduct from those would be liable to the same objections as from those asked for. THERE WAS NO TALK BEFORE THE COMMITTEE OF LAST YEAR, ABOUT A COMPROMISE.

The bill was opposed by Mr. Dwight, acting, as he said, for Dr. Osgood and others, on north end brook. The exception was in conse-

quence of the opposition to the grant ; and it was thought the springs granted would be sufficient for the purpose of the aqueduct for the present. I think all the springs granted were in the original bill—and that Dr Osgood's objection was connected with the Vanhorn and Chapin springs.

G. W. Townsley—Has lived in High street east of Maple street ; the water there was hard and filled with a substance resembling fine particles of wood. The well was several times cleaned out to get rid of this sediment, but without success. Applied to Mr. Orne to let me have water from his aqueduct, which lay through my garden ; he would not let me have any. High street could not be supplied from the Aqueduct of the Company, except they had a larger supply.

Being about to remove this Spring to another house, my wife said to me she wished to go where the aqueduct water could be had, and she would be willing to do without water for drinking, if she could have soft water for washing. Have a new shop, and applied about a month ago for the Aqueduct water ; Mr. Stearns said he would be glad to furnish it if he could.

Wm. H. Parsons—Am a mason ; have lived on Wilcox, Howard, and Water streets ; have built about 20 houses on my own account within 3 years ; some of them for two families ; these houses are on Auburn, Howard, Water, Williams, Union and Morris streets. The most of them are supplied by the Aqueduct water.

Have been applied to, to use my influence with Mr. Stearns, to carry the water into Morris Street ; the wells generally so far as I know are poor and the water hard, and not much used, when the aqueduct water can be had. Have dug at least six wells within three years, and they are not used, have been at great expense to keep well water pure. I have a spring purchased of Mr. Stearns, which supplies a number of families.

Hon. Wm. B. Calhoun.—Live in the neighborhood of the Poor house ; My water for a year past comes from the Springfield Aqueduct to my house and barn. Had a well formerly, but it failed :—then I relied on the brook ; and then on a neighbor for drinking water. On the low ground north of the Railroad my impression is, there is a necessity for a better supply of water ; before the aqueduct was brought to my neighborhood, I depended on the brook to water stock, since then I have used water from the aqueduct. When the cattle went to the brook I think they did not drink as well or do as well as since being supplied by water from the aqueduct at the barn.

A portion of the upper part of the town might be supplied by wells ; but I should think the aqueduct would be indispensable. The population is fast increasing on the flat below me. I know many of the names on the petition and they are highly respectable :—The ladies' petition has as respectable names as any among us.

Rev. Dort. Osgood.—The people on Chestnut, Maple and upper part of State Streets, were formerly pretty generally supplied by aqueducts—region west of Main Street, from north of Worthington Street

down to Howard Street, is now supplied in a great measure by the aqueduct I suppose, don't know about the wells. Below State Street, there are more aqueducts than above; where I lived in 1811 I had an old aqueduct from the hill near Worthington St. I also had a well; we used the wells till we had the aqueduct. I offered to supply my neighbor Mr. Pyncheon and he declined taking it. East of Main Street I know but one well on the flat. There has always been abundance of water flowing in the north brook. With the Vanhorn spring and off there would be always water enough for cattle. My son keeps twenty cows.

The water power is considerable at Burt's place, larger than some others in Springfield. The north brook is a "*perennial*" stream; at the road near Burt's, it covers a rod in width in some places, very shallow, in others, half a rod in width, not over half a foot in depth. There is not a fourth more water at the Cabot road than at my son's land. I take the Aqueduct water for two tenements, which I rent. Never had any liberty from the Selectmen, to cross the highway with my aqueduct. Mr. Stearns has repeatedly endeavored to negotiate for the right to cross my land with the aqueduct and I declined on the ground that he had charged me with supreme selfishness.

Mr. Stearns called again.—There was no compromise or agreement last year of which I had any knowledge, as has been stated, by which there was no more water to be brought into the aqueduct, and that is made evident from the fact, that the opposition to the bill was unremitted and virulent during all its stages of passage in the Legislature.

The foregoing is an impartial summary of the statements made by the several witnesses, who appeared before the Committee of the Legislature when the parties were heard, so far as the statements had any bearing on the issue, and as nearly in the same language as could be taken down by an expert and accurate reporter. The minutes of the counsel for the petitioners have also been consulted, The object being to give a fair view of the *material* portion of the evidence in as brief a manner as was consistent with the object, much irrelevant matter has been omitted.

It now remains to allude to the manner in which the petitioners have been met, and the expedients which have been resorted to, to defeat the object prayed for.

The first was, to circulate remonstrances, all of them drawn up by a single individual, and circulated mainly by that individual and his agent. Those remonstrances were lengthy documents, stating what were assumed to be facts, and embracing a considerable amount of argument. In circulating those papers, the sympathies of people were operated upon by statements, that the effect of granting the petition, would be extremely detrimental and in effect ruinous to the property through which the stream runs, from which the supply of water was in part to be taken.

In this very many persons were induced to sign the remonstrances, who on learning that they were misled, have stated that they regretted

allowing their names to be used against the petitioners for a further supply of water, fully believing that more was needed, and a considerable number of them presented a petition to the Legislature, stating the reasons which induced them to oppose the petition and now asking that it may be granted.

The copy of the remonstrance of Pliny Chapin and others, purporting to be from citizens of Springfield and Chicopee in the County of Hampden, is entitled to special notice.

This remonstrance is signed by 29 persons, and not a single individual is a resident of the Town of Springfield, and not one of the whole number except the person who heads the petition, has the least interest in the question near or remote. Yet this glaring fraud is perpetrated apparently without remorse, to defeat the petitioners by deceiving the Legislature.

Another expedient was to bring the influence of the officers of the Western Rail Road against the petition. Mr. Gilmore the President of the Company, was introduced before the Committee to state that he was willing to annul a contract which the Aqueduct Company have with the Rail Road for supplying water at the Depot at Springfield, and which would relieve a large amount of water to be used for other purposes. Mr. Gilmore showed no authority by which he could annul the contract, neither was there any authority in the officers of the Aqueduct Company to do it, if he had; besides their proposition was made without a minute's notice to the Aqueduct Company. It was evident that this expedient was got up merely to entrap the petitioners, and without any investigation on the part of the Western Rail Road who will find on examination that the mode of supplying water for the Depot suggested by the President would cost at least three times as much annually as they now pay to the Aqueduct Company.

The application of Harvey Hills to purchase a water power of Francis Burt, was also a pretence got up for the occasion. It is not to be supposed that Mr. Hills was serious in wishing to purchase a water power on that diminutive stream, in that distant part of the town and be at the expense of building a dam, when he knows there is a water power on Garden brook with a dam already built, in the center of the Town for sale at a low price.

The next is the Mill river humbug.

The public and the Legislature ought to know, that this pretended enterprise was never undertaken with any serious *expectation* of carrying it out, but it was purely intended to obstruct the application of the Aqueduct Company, and the Legislature will hear no more of the matter. The gentleman who had the honor to head the Mill River petition did however testify that there was "a great cry for water in the village, and so far strengthened the evidence of an exigency."

The last expedient which has been adopted to defeat the petition, which will be alluded to, is, to depreciate the influence which the names of more than 700 citizens, and of near 300 females, all living in this village, might have on the Committee. It was attempted most assidu-

ously to impress the minds of the Committee, that these persons neither knew or cared what the object of the petition to which they put their names, was : but that they signed to get rid of importunity ; it being very true that many of the names were new to the Gentlemen who scrutinized the list most closely ; it was broadly intimated that many of them might be spurious. It is not to be expected that Gentlemen who are absent from town and even from the country, for long periods, and who, when at home, do not mix very intimately with the people, should know the names of any considerable portion of those who are greatly adding to our population ; yet it is not impossible that these new comers are as intelligent, and are as careful what papers they sign, as those who sneer at them ; and it is most certain that they are for the most part so located as to be able to judge of the value of an abundant supply of water as well as any others.

The impression made upon the Committee by the insinuations alluded to, having, as is apprehended, operated on their minds unfavorably for the petitioners ; it has been determined to submit the question at a public meeting, to be held in the Town Hall, very soon, where all, whether favorable or adverse to the petition for leave of the Legislature to introduce a more copious supply of water, will have an opportunity to be heard and to act. If it should result that a majority of the citizens of the Town are adverse to the object, the petitioners will voluntarily withdraw, and, if on the contrary, as is fully believed, a large majority should express themselves in favor of the objects of the petitioners it is to be hoped that the wishes of the majority will have some influence on the decision of the Legislature.

PETITION.

*To the Honorable Senate and House of Representatives
of the Legislature of Massachusetts.*

The undersigned, respectfully represent, that they are citizens of the town of Springfield, and have learned that the prayer of Petition of the Springfield Aqueduct Co. now before the Legislature, for leave to bring into the village an additional supply of Water for the use and comfort of the people, is opposed on the ground that there exists no exigency for a further supply of water. We wish respectfully to express our conviction that a further supply of water is needed, and we pray that the powers asked for by said Company for said purpose may be granted, with such restrictions and liabilities as are usual in similar cases, and as in duty bound will ever pray.

Springfield Mass. Feb. 26, 1849.

NAMES.

Rufus Dane.
Nelson Sherburne.
Silas Sherburne.
Lowel Hatfield.
Jason Webb.
A. B. Burnham.
Peter R. Keogh.
Eliphaz Jones.
D. B. Bugbee.
Benjamin Fay.
Jarvis Glover.
A. Leland.
F. H. Roberts.
Francis Bates.
Calvin B. Stebbins.
Asa K. Bruce.
Elisha Hawks.

Samuel Hastings.
Charles H. Ray.
George W. Thayer.
S. L. Dickerman.
Emery Edson.
C. W. Jones.
Albert Jones.
Jos. P. Darling.
Geo. Church.
Alexander W. Allen.
William Bradley.
David Warner.
B. B. Gaffey.
Patrick Mouly.
C. D. Hooker.
N. F. Plumber.
C. Crawford.

D. S. Russell.
 T. D. Crawford.
 Samuel H. Pratt.
 John S. Pratt.
 John B. Vincent.
 George A. Graves.
 N. L. Elmer.
 W. B. Gardner.
 Franklin Arther.
 Harlow Tinkham.
 Wm. J. Wilson.
 Benj. F. Russell.
 Henry A. Perkins.
 Verney Woodward.
 Franklin D. Chaffee.
 Henry Wilder.
 Peter Dandaraw.
 W. E. Brown.
 Oliver Marsh.
 John C. Hubbard.
 A. W. Potter.
 Henry S. Durkea.
 Thos. K. Baker.
 Royal Harrington.
 H. Clark.
 J. W. Hawkes.
 Wm. Cooper.
 J. Topliff.
 Hervey Mills.
 Henry F. Cook.
 Elam Mills.
 Seth Ashley.
 Hawley Kellogg.
 John S. Derbey.
 Thos. Coogan,
 Michael Kirwan,
 James Quigley,
 Patrick Dillon,
 Thos. Quigley,
 James M. Carthy,
 John Murphy,
 George H. Bicknell,
 Carter Moulton,
 John O'Hora,
 John Warner,
 Thos. Conlan,
 James Lige,
 John Healey,

Waitstell Hastings,
 George Hastings,
 Eleazer Ripley,
 Isaac Rindge, jr.
 George Zepp,
 James Roch,
 Jeremiah Cronin,
 Patrick Quinlion,
 William Downey,
 Edwin Whalin,
 Timothy Hayes,
 Timothy Collins,
 Luke Saunn,
 Patrick McIntire,
 Michael Ryan,
 Daniel Mahoney,
 James Ford,
 John Dean,
 William O'Bryan,
 John Mangam,
 William Walsh,
 Mikel Darider,
 Michael Horrigan,
 James Walsh,
 James Dane,
 James Neall,
 Michael Cooney,
 Dennis Dunn,
 Wm. G. Swayne,
 Thos. McCarthy,
 Edward Bow,
 David P. Currier,
 Martin Kelley,
 John Bible,
 Patrick Barry,
 John Sweeney,
 John Barry,
 Michael Morrison,
 Michael Kane,
 John Sullivan,
 Jerry McCarty,
 Dennis Sullivan,
 Wm. Rindge,
 Wm. V. Latham,
 Daniel Strong,
 A. Henry,
 W. Jennings,
 Jonathan Dunklee,

Wm. W. Boyington.
 Ely Carter.
 A. B. Daniels.
 Charles Gaffery.
 Josiah Hatter,
 James Branard.
 Thomas Bredy.
 Samuel Motts.
 Nicholas Senllare,
 Porter Driscoll.
 David O. Brien.
 James N. Carter.
 Arnly Clarke.
 Daniel Toney.
 Nicholas Moore,
 John Sullivan,
 John Mahoney.
 William Douley.
 Stephen Murphy.
 Patrick Maloner.
 Thomas Donohy,
 William Cronoy.
 John Hall.
 Michael Fitzgerald.
 Michael Harrington.
 Daniel Harrington.
 Jerh. McCarty.
 Daniel M'Carty.
 Jeremiah McCarty.
 John Sullivan.
 Daniel McCarty.
 Michael Sullivan.
 Dennis Sallin.
 Patrick M'Carty.
 Dennis Sallvin.
 James Marran.
 James Warren.
 Telve Bagg.
 Wm. Craige.
 John Cronin.
 Patrick Murphy.
 Jeremiah Murphy.
 Mark Murphy.
 Jeremiah Lenihon.
 Timothy Kesting.
 John Murphy.
 Eugene M'Carty.
 William Keating.
 Thomas Carlan.

I. G. Chase.
 Richard Hagar.
 Mickel Finn.
 Thomas Hayes.
 Murty O. Bryne.
 Eugene Sullivan.
 Eugene Neory.
 Thomas Grady.
 Thomas O. Connell.
 Mikel O. Connel.
 Jerry M'Carter.
 Wm. O. Connell.
 Charles B. Frost.
 A. Ballon.
 Duncan McDeagall.
 J. D. Decreet.
 Marcus M. Chandler.
 Abel L. Mowry,
 Judson & DeWolf.
 E. A. Bliss.
 Levi C. Boyington.
 Samuel Clough.
 F. C. Boyington.
 F. D. Day.
 S. C. Root.
 Edward Johnson.
 Wm. A. Kendrick.
 S. W. Edwards.
 E. C. Bailey.
 I. C. Smith.
 Daniel P. Wilbur.
 Horace C. Putnam.
 William G. Morse.
 William Snow.
 C. S. Chase,
 Thomas Beacon,
 Nanaxiah Mayo,
 Hali Hitchcock,
 Samuel B. Spooner,
 Asih Bowers,
 John B. Ripley,
 George Keep,
 E. W. Thayer,
 Gilbert Pillsbury,
 Nathan Putnam,
 Timothy Bruce,
 Franklin Ross,
 Wm. M. Watts,
 James Larkin,

Aaron Howe,
 James E. Thorpe,
 Marvin Lincoln,
 Charles Lovell,
 Asa French,
 Frederick Richards,
 John Richards,
 Junius Hale,
 Asa B. Clark,
 S. J. Porter,
 James McCan,
 G. W. Burt,
 A. S. Coles,
 William Hubbard,
 C. C. Haywood,
 G. C. Segur,
 G. C. Wood,
 Jacob Miller,
 Tho. D. Bartholick,
 L. W. Park,
 Wm. Brock,
 Jonathan Steele,
 E. G. Bond,
 M. S. Thayer,
 George W. Rice,
 E. D. Bond,
 Levi Waldron,
 Moses Waldron,
 Horatio Cowles,
 Samuel F. Whitney,
 Lewis Paquerri,
 Charles A. Bugbey,
 Silas Cook,
 Thomas Donovon,
 H. N. Moore,
 M. Shay,
 Michael Redicon,
 Thomas Riley,
 Andrew Chellips,
 Lorin S. Cowles,
 L. W. Stebbins,
 H. A. Hayden,
 Luther Clark,
 Chas. G. Baldwin,
 Parin Clapp,
 Richard Stapleton,
 Wm. Stapleton,
 Wm. Tilden,

A. H. Bowers,
 Geo. Humphrey,
 Patrick Kelley,
 Orrin Russell,
 James Parker,
 Amasa Parsons,
 J. A. Merrill,
 Isaac Gibbs,
 Wm. Richardson,
 Owen Brown,
 Edmund Stebbins,
 J. A. Schlesinger,
 Ebenezer Goldthwait,
 Wm. Mattoon,
 George Stebbins,
 Otis Grimes,
 W. M. Ross,
 Geo. W. Needham,
 John M. Whitney,
 Wm. H. Montague,
 James Callahan,
 John Ross,
 Josiah Lawrence,
 John Brannen,
 Thos. Maguire,
 E. R. Cowles,
 H. S. Fox,
 Wm C. Humphrey,
 Wm. R. Wilbur,
 S. Gaylord,
 Ebnr. Russell,
 Horatio Sargeant,
 James Tobey,
 Charles Rogers,
 Isaac V. S. Barber,
 O. J. Parker,
 J. N. Purple,
 Joseph Currier,
 Allen Pellis jr.
 C. Warner, jr.
 H. Cole,
 Edward Pitsisgner,
 T. W. Weaver,
 Otis Grout, jr.
 Francis E. Pratt,
 Wm. Grout,
 Benj. B. Young,
 Elias Hubbard,

D. A. Bodurtha,
 S. Robinson,
 Titus Jones,
 E. K. Pratt,
 H. F. Graves,
 D. H. Morse,
 A. W. Wood,
 Timothy W. Goodwin,
 J. F. Annable,
 Reuben Palmer,
 L. Foster, jr.
 Rowland P. White,
 John B. Kirkham,
 John Beaumont,
 R. S. Ferry,
 Jesse Thompson,
 Edwin Goodspeed,
 Hosea B. Crow,
 Francis F. Roberts,
 Hervey Sikes,
 William Cran,
 Simeon Pease,
 E. D. Ellis,
 N. H. Marsh,
 Henry E. Collins,
 W. J. Conant,
 Thomas Watson,
 John B. Reed,
 Aomer Eno,
 Sheldon Clark,
 Edward Lee,
 Eldridge D. Eggleston,
 John Costiman,
 James L. Hunn,
 Thos. T. Russell,
 E. W. Ladd,
 John Haven,
 A. Robinson,
 Abram Thomas,
 Hozea White,
 Henry A. Gouch,
 John W. Holmes,
 Joel Miller,
 H. A. Robinson,
 J. C. Colton,
 Lyman King,
 M. M. Tallmadga,
 S. W. Stebbins,
 Daniel Lester,

O. S. Brown,
 S. L. Hastings,
 Joseph Reikard,
 Asahel Gouch,
 J. M. Wood,
 S. W. Paine,
 Asa Fiske,
 William B. Crosby,
 Samuel S. Briggs,
 Barnabus Snow,
 John B. Stebbins,
 Frederick Wells,
 James Coffran,
 Chester B. Stickles,
 John Edwards,
 Geo. Gardner,
 E. W. Bliss,
 Gurdon C. Judson,
 Elizur Bates,
 N. Harkness,
 David Pearl,
 Oliver W. Miller,
 Enos C. Boyington,
 C. D. Arlhus,
 William W. Standish,
 W. H. Hayward,
 M. J. Emerson,
 Porter King,
 Lyman Warren,
 Henry Seymour,
 Edwin Ellis,
 P. S. Van Houten,
 Joshua Crosby,
 Ira Hatch,
 R. G. W. English,
 Harvey Bliss,
 Asa M. Knight,
 Caleb H. B. Smith,
 James Le Barron,
 Charles B. Gould,
 Lewis B. Gould,
 Theo. Stebbins,
 Moses Bliss,
 Joel Lackey,
 Almond Pratt,
 Nelson Brooks,
 John Beers,
 Gordon Mills,
 Eli Weller,

R. H. Conklin,
 Peter Dearborn,
 W. Howe,
 Edward D. Bangs,
 Samuel Harthan,
 John T. Rockwood,
 P. H. Grover,
 Merrick Houghton,
 George W. Walbridge,
 E. P. Brown,
 Daniel Reynolds,
 Humphrey Tucker,
 James Stebbins,
 Jose M. Colton,
 Timothy Burt,
 H. McKinney,
 C. Layes,
 Millan Pease,
 Hosmer Ensworth,
 James P. Cleaveland,
 L. B. Little,
 Joseph W. Park,
 Franklin Gilman,
 Edward Desoe,
 Henry H. Snow,
 Charles P. Gay,
 David King,
 William H. Hovey,
 George C. Russell,
 William C. Averill,
 Thomas W. Wason,
 Charles W. Hall,
 Charles E. Seth,
 Charles H. Cole,
 Charles W. Rice,
 Cyrus A. Worthy,
 William I. Stowell,
 Theodore Mayu,
 William W. Smith.
 John D. Gould,
 Nathan Upham,
 James H. Harris,
 Harvey Bliss Jr.,
 Silas S. Carrol,
 F. H. Mosely,
 Henry Smith 2nd,
 J. G. Badger,
 Thomas Putnam,
 William Hunt,

John Priestly,
 Charles Wheeler,
 L. M. Thorp,
 William Hitchcock,
 E. C. Hunt.
 Joseph Stebbins,
 Abel P. Howe.
 Charles A. Hastings,
 Edmund Rowland,
 George Ensorth,
 Festus Stebbins,
 Robert Madden,
 James Mahany,
 Dennis Margan,
 Daniel Buck,
 John Parkinson,
 William Keep,
 Francis Johnson,
 John Mulcarthy,
 James Morrison,
 John Riorn,
 John Sulliaan,
 Roger O'Coomes,
 Francis Healey,
 Pat Maemahorn,
 John Murphy,
 Morris Bowler,
 W. W. Smith,
 E. Davis,
 William Dennison,
 Otis Phelps,
 E. C. Pettis,
 George Whitcomb,
 George Grant,
 H. A. Sears,
 G. B. Bowers,
 Wilbut and Welker,
 John Haley,
 E. R. Houghton,
 E. R. Hawkes,
 William A. Barry,
 Josephus Hawkes,
 F. E. Taylor.
 Stephen H. Carpenter,
 David Grener,
 W. Loyd,
 M. Stebbins,
 Otis Fay,
 Jonas Parmenter,

M. E. Dunbar,
 Henry Swallen,
 Michael Power,
 Chester White,
 Alvah Kinney,
 Francis Detherbe,
 Michael Finn,
 Wm. Halloway,
 Calvin Beckwith, Jr.
 John M. Wood,
 Aaron Wilbur,
 Charles Wasson,
 Isaac P. Miner,
 Abraham P. Dale,
 Mitchel Jarvis,
 John Gilson.
 P. H. Averill,
 N. M. Kinnon,
 John Donalson,
 John Ready,
 John Johnson,
 Samuel Pitkin,
 Thomas Wall,
 Alexander Lang,
 John Spencer,
 Edmund Hull,
 James M. Ross,
 Charles H. Marston,
 Elias Woodruff,
 Thomas Rich,
 Simeon Olmsted,
 Stephen V. Blake,
 George Root,
 Samuel Rist,
 Hervey W. Mils,
 Samuel H. Harris,
 Roswell Parker,
 David Witherell,
 Wm. H. Emmons,
 David P. Gunn,
 Charles S. Tarbell,
 A. P. Casey,
 Jesse B. Alvord,
 Henry Sizer,
 J. W. Crane,
 G. P. King,
 E. King,
 John McGatrick,
 Richard Fisk,

John Hooker, jr.
 E. H. Patch,
 A. Pease,
 Moses Lyman,
 Alexis Courrier,
 Albert Hancock,
 G. E. Howard,
 P. H. Cook,
 Simon Sanborn,
 Lewis H. Taylor,
 George Bruce,
 Homer Hall,
 A Cross,
 Marcus Packard,
 H. Hubbard,
 Luther Cutler,
 J. C. Foster,
 John S. Gould,
 S. F. Cooley,
 M. F. Foster,
 H. B. Scott,
 S. Webster,
 C. A. Maule,
 Samuel Bailey,
 J. J. Smith,
 C. W. Salisbury,
 W. H. Parsons,
 L. N. Crocker,
 Allen M. Galpin,
 E. T. Stowell,
 S B. Houghton,
 H. A. Chapin,
 James Rice,
 Thomas Willard,
 Horace D. Mather,
 D. Webster,
 E. H. Field,
 A. G. Lord,
 John C. Stebbins,
 E. C. Stebbins,
 Samuel Harris,
 Stoddard Parker,
 George Dewey,
 L. C. Feider,
 R. Crossett,
 A. H. Kirkham,
 E. C. Cook,
 Horace C. Lee,
 Charles Parker,

W. B. Hastings,
 Lewis Draper,
 Charles Osborne,
 A. G. Lincoln,
 A. P. Thornton.
 Stedman Barry,
 Luther Stearns,
 Abner Drake,
 Jeremiah Caldwell,
 Prince Chapman,
 Simeon Reed,
 Moses D. Bullens,
 John R. Clark,
 Cephas Cashwell,
 Patrick Sullivan,
 Joseph Malcut,
 Lawrence Dreskin,
 David Iwomy,
 Dennis Calnane,
 David Mealy,
 Michael Mc Grath,
 Thomas O'Connor,
 James Brosnaw,
 Michael Cooney,
 John Welch,
 John Ryan,
 Michael Hayes,
 Michael Leaby,
 Mauricd Corkory,
 Jeremiah Loomis,
 Timothy McMary,
 David Walker,
 James Fogerty,
 Peter Platt, Jr.
 John May,
 Michael Carey,
 Michael Kenigan,
 Andrew Foly,
 David Callihan,
 Dennis Sullivan,
 Jeremiah Sullivan,
 Eugene Murphy,
 James Hennesey,
 Patrick Howard,
 Dennis D. Bryan,
 Eugene Sullivan,
 Dennis Sullivan,
 Daniel Sullivan,
 John Cairey,
 Bolra Burlenn,

Michael Pomeroy,
 John Moorley,
 Martin Daily,
 David Lynch,
 James O'Sullivan,
 Edward Sullivan,
 David Cronin,
 John G. Neil,
 Jerry Crawlax,
 Andrew Manning,
 Timothy McCarty,
 Sol. Warriner,
 B. F. Thayer,
 Caleb W. Briggs,
 Horace W. Fletcher,
 David Donovan,
 Asa Clark,
 Hollis Barber,
 Erastus J. Keyes,
 Enos Lee.
 William Young,
 Orin W. Pratt,
 Simon Corcoran,
 John Brown,
 Eph. Harris,
 John Calhoun,
 F. F. Bartlett.
 Francis Oheill,
 D. B. Allen,
 John Cockley,
 W. W. Standish,
 Thomas Sheehan,
 Edward Barnes,
 John Byot,
 John V. Jones,
 Newell A. Spencer,
 Joseph Bennett,
 James Bradford,
 G. W. Weeks,
 Daniel O. Donnell,
 Daniel E. Cadwell,
 Wm. Sumner,
 Elim Mills,
 E. B. Francis,
 Nelson Tryon,
 S. O. Averill,
 A. DeWitt,
 D. Carmichael,
 S. B. Gannett,
 Samuel K. Buell,

A. W. Lincoln,
 Daniel Gay,
 Edwin Billings,
 Charles Ashley,
 A. S. McLean,
 H. D. Sanger,
 Gardner Adams,
 E. A. Daniels,
 E. Savage,
 James Kirkham,
 Earl Woodworth,
 Eli Wansor,
 G. R. Townsley,
 O. H. Cooley,
 O. J. Bartlett,
 Wm. D. Thayer,
 Wm. Rhoades,
 George A. Kibbee,
 J. R. Lunt,
 John Lunt,
 John L. Skinner,
 A Moody,
 A. A. Dalton,
 Joseph Blair, jr.
 Horace Ferre,
 T. M. Walker.
 Charles C. Taylor,
 C. C. Murray,
 C. W. Hayward,
 John Abbee,
 P. Lowe,

D. H. Brigham,
 W. H. Fuller,
 A. G. Adams,
 W. H. McKinney,
 Erastus Danforth,
 A. Truesdell,
 James T. Shepherd,
 J. B. Rice,
 W. C. Sturtevant,
 F. A. Lydston,
 James W. Hale,
 R. N. Hayden,
 E. C. Hawes,
 Jason Hubbard,
 Lebbeus C. Smith,
 James Cary,
 H. A. Angell,
 Phineas Pease,
 Albert Stewart,
 Patrick Nicholson,
 M. McGatrick,
 Ready Champion,
 M. M. Barret.
 John Clifford,
 George W. Merrill,
 H. F. Winslow,
 Thomas L. Parsons,
 Lewis Wiley,
 Rufus Elmer,
 H. D. Shaw.

PETITION.

*To the Honorable Senate and House of Representatives
of the Legislature of Massachusetts.*

The undersigned, residents and housekeepers of the town of Springfield, respectfully represent that they learn that remonstrances have been presented to the Legislature against the petition of the Springfield Aqueduct Company, for power to introduce an additional supply of water for the use of the people, on the ground that no further supply is needed ; we wish respectfully to say that we know from experience and information which we cannot doubt, that a further supply is needed, and we wish that no unnecessary obstacles may be thrown in the way of the Aqueduct Company, in the object they wish to accomplish. And as in duty bound will ever pray.

Springfield, March 5, 1849.

NAMES.

Mrs. Thomas Bond,
Caroline G. Bartlett,
Persis Goodman,
Elizabeth N. Harkness,
Pamela C. Smith,
Maria C. Stevens,
Sarah E. Stevens,
Sophia T. Stevens,
Elizabeth Chapin,
Lovisa S. Chapin,
Lucy A. Chapin,
Miss Irene Gouch,
Lucinda Gouch,
Susan Gassett,
Clarissa Lee,
A. Maria Lee,

Mrs. C. Marsh,
Diana E. Hastings,
Mary P. Mosely,
Dorcas Bartlett,
Nancy M. Wadleigh,
Mary A. Barton,
S. Haven,
J. P. Kenna,
Amelia Ensworth,
Elsy King,
M. N. Van Houssen,
Sarah B. Fiske,
Eastman,
Clark,
L. Rhoades,
Lucy J. B. Kenney,

Mrs. L. Smith,
 G. Adams,
 Eliza Devines,
 L. Hixon,
 L. Kinsley,
 Mary F. Foster,
 M. P. W. English,
 Martha T. P. Grover,
 C. Ward,
 Samuel Daniels,
 F. J. Parker,
 H. Bliss,
 J. Hunn,
 T. A. Williams,
 Geo. Sizer,
 Jarvis Glover,
 Simonds,
 Miss F. Glover,
 Mrs A. B. Parsons,
 E. Hubbard,
 Miss J. Hitchcock,
 Mrs L. Hitchcock,
 A. B. Howe,
 J. Lewis,
 S. J. Hitchcock,
 Eliza Ann Smith,
 Eliza Ciark,
 A. B. Wells,
 Miss L. Haywood,
 Mrs A. Hawley,
 S. Stock,
 E A Chapin,
 W Simonds,
 A Stone,
 C Stebbins,
 R Palmer,
 Harriet Hotchkiss,
 Miss De Wolfe,
 Mrs H N Morse,
 Z Spooner,
 H W Clark,
 Cornelia M Spencer,
 Mary C Stoddard,
 P Crawford,
 M E Wheeler,
 R Sylvester,
 M McGill,
 Mary A Ross,
 Maria Olney,
 Maria Tuck,

Mrs A J Rudge,
 N H Sturtevant,
 F D Bacon,
 D Doan,
 H A Mayo,
 J Headly,
 Hitchcock,
 C Wasson,
 S Rowland,
 E P Rowland,
 Miss M Sturtevant,
 Mrs E P Brown,
 L Hunttool,
 L Bodfish,
 Abigail McKinney,
 Mary Cleveland,
 Lucretia P Colton,
 Harriet Sanderson,
 Sarah Bliss Sanderson,
 E C Hawes,
 E A Hawes,
 Sarah Goodman,
 Mary Goodman,
 Hannah Goodman,
 Lois Gardner,
 Eunice Gardner,
 Eloisa Jones,
 Lucinda Payne,
 Sarah E Wood,
 Amelia F Bangs,
 Martha B Tracy,
 Julia Hastings,
 Lavinia Harthan,
 Ann B Edwards,
 Catherine Cargain,
 Emily Richards,
 Naomi C Grant,
 Laura Bliss,
 Mrs Col Russell,
 W B Brockett,
 R Sikes,
 James M Smith,
 G Crosby,
 Bigelow,
 J W Crane,
 A Howe,
 Miss J J Rockwood,
 Sarah B Sanderson,
 Julia E Clark,
 R W Houghton,

Mrs R C Chapman,
 H Palmer,
 Mary Chapin,
 J Perkins,
 R Decreet
 Boyington,
 S Miller,
 Gambell,
 T B Adams,
 A B Cooley,
 Spencer,
 L Grant,
 D Gay,
 Margaret T Begor,
 Sarah Gould,
 Esther Laughton,
 Mrs. M. La Barron,
 Gould,
 Snow,
 C. W. Conklin,
 Elizabeth H. Fitch.
 Miss Lucy Rice,
 C. K. Sherburne,
 Julia Beardsley,
 E. A. Mann,
 Mrs. A. B. Clark,
 A. T. Ridge,
 M. A. Walker,
 D. S. Cole,
 W. Edwards,
 A. A. Bowe,
 Esther Ferre,
 M. A. Hawes,
 M. S. Bugbee.
 H. T. Baker,
 C. N. Hawes,
 M. Kinnon,
 S. E. Foster,
 Lucinda Packard,
 B. Anable,
 E. G. Trafton,
 A. Gleason,
 L. Merrick,
 Mary Haven,
 Lovisa Philips,
 Rachel Bates,
 A. Day,
 E Pease,

Mrs, Fanny Stebbins,
 Maria Stebbins,
 Mary E. Schlesinger,
 Martha Stebbins,
 Pardee,
 Almira P. Goldthwait,
 Mary B. Clapp,
 Maria Bowers,
 Sarah C. Bowers,
 Roxanah Bowers,
 M. B. Thornton,
 C. M. Clark,
 E. R. Cowles,
 A. S. Cowles,
 S. H. Cowles,
 E. L. Grant,
 Nancy Poole,
 Sarah Manchester,
 L. King,
 L. Pratt,
 D. C. Bruce,
 L. C. Russell,
 Everlina Barber,
 L. A. Williams,
 C. P. Sawyer,
 Loisa W. Cooley,
 Fanny E. Hawes,
 Miss G. Badger,
 Prentiss,
 More,
 Mrs. R. Brown,
 H. Allen,
 E. P. Cloyes,
 E. Chaffee,
 S. Smith,
 N. Carpenter,
 M. A. Carpenter,
 Miss M. E. Carpenter,
 Mrs M. A. Gouch,
 P. Cooley,
 S. Sanderson,
 L. Cully,
 S. Frisbie,
 E. F. Needham,
 Lucinda Sinclair,
 E Montague,
 Miss A Adams,
 Miss A Howe,

Mrs T Bates,
 Elizabeth Bates,
 Sarah Baker,
 E Wansor,
 James M Loomis,
 L N Crocker,
 E. Howe,
 J Hamilton,
 H Bliss,
 M Benjamin,
 Miss Dilla Moulton,
 R Butterfield,
 Mrs D Culahan,
 E Jackson,
 Sophia G Frissell,
 M Thomas,
 A Scott,
 F A Hubbard,
 Sarah M Grigow,
 Caroline Adams,

Mrs. Asenath Lincoln,
 Dismiss S Bruce,
 Charlotte A Allen,
 Ann S Day,
 Sarah E. Cross,
 Caroline B Smith,
 Electa B Marsh,
 Sarah A Miller,
 Lydia S Marsh,
 Louisa Merrill,
 Sally Bruce,
 Mary A Brown,
 Louisa C Richardson,
 Prudence B Gibbs,
 J Parker,
 Amasa Parsons,
 J L Briggs,
 L Hastings,
 Miss C Stebbins,

From the Springfield Republican of April 11.

At a public Meeting, held at the Town Hall in Springfield, April 9, 1849, after due notice had been given in the daily papers, and also by posting up a large number of hand bills, for the purpose of getting an expression of the views of the citizens of Springfield in regard to the petition of the Springfield Aqueduct Co., to the Legislature; it was

Resolved, That in view of the increasing population; the pooriness of water obtained from wells; also, the constant need of more water to protect property from fire in the center of the town, it is the opinion of the meeting that increased facilities and powers ought to be granted by the Legislature to said Aqueduct Co., as prayed for by the Petition, And it is the wish of this meeting that the Representatives of the town in the Legislature should use all honorable means to procure the passage of a bill for the purposes, prayed for by said Company.

The above was submitted for the consideration of the meeting, which was fully attended, and passed by a vote almost unanimous.

P. F. WILCOX, Chairman.

WILLIAM W. BOYINGTON, Secretary.

REMONSTRANCE

👉 OF PLINY CHAPIN AND OTHERS. 👈

To the Honorable, the Senate and House of Representatives, in General Court assembled :

The undersigned, Citizens of Springfield and Chicopee, in the County of Hampden, interested in Real Estate within said town, respectively remonstrate against the petition of Charles Stearns and others, incorporated as the Springfield Aqueduct Company, praying for the right to use the water from certain springs and brooks therein designated, and to convey the same across the lands of individual proprietors ; and as in duty bound, will always pray.

Springfield, March, 1849.

NAMES.

Pliny Chapin,
Austin Chapin, 2d.
Sumner Vanhorn,
Josephus Chapin,
James Chapin,
Jesse Dillihier,
Levi Chapin,
Ruel Vanhorn,
Julius Chapin,
Edmund Vanhorn,
R. E. Bemis,
E. P. Kimball,
Alonzo Wait,
Robert E. Moore,
E. F. Brown.

Calvin Shaw,
Sumner Chapin,
Madison Kendall,
Obed Wait,
John A. Dennison,
Isaac Bullens,
W. E. Wintworth,
Lucius E. Ladd,
Jerome Wells,
Eli Burt,
N. M. Cutler,
Seth Whitney,
S. Churchill,
Jos. L. Moffatt,

HON. WM. G. BATES'
A R G U M E N T,
BEFORE THE
COMMITTEE OF THE LEGISLATURE,
OF MASSACHUSETTS,
ON THE PETITION OF THE
SPRINGFIELD ACQUEDUCT COMPANY.
MARCH 23, 1849.

MR. BATES' ARGUMENT.

MR. BATES, Counsel for the Petitioners, commenced his argument by observing that, to the wish expressed by Col. Bliss, in the conclusion of his remarks, that the case might be fairly considered and adjudged, he responded a hearty Amen ! That there were cases, where the zeal of the parties, in applications to the Legislature, led them to make improper approaches to the Committees ; to communicate to them false impressions ; to state false facts ; and, so to bias the minds of a legislative tribunal, as to induce an unjust and improper result. He cautioned the Committee to disregard all suggestions made to them, either here or elsewhere, from any source, except those which came legitimately before them, and to make up their report upon the evidence laid before, and the arguments addressed to them.

He said that he should not have alluded to the Petitioners or to the Remonstrants, as being either aristocrats or plebeans, but in reply to the suggestions of the Counsel who had addressed them ; that it mattered not to what class either of those parties belonged ; nor was it true, that the Petitioners for an Act of Incorporation were always aristocrats, or their opposers always those who feel the deepest affection for the welfare of the people ; that an Act of Incorporation was a privilege prayed for from the Legislature ; and that, though it might sometimes be asked by rich men, for their own advantage, it might also be prayed for by poor people, and by the friends of poor people, to aid them against oppressive exactions from their richer neighbors.

The Act of 1848, incorporating the Petitioners, defined their powers, duties and liabilities. It provided what water they might take, what they *should* do with it, in part, what they *might* do with it wholly, and in what way they should pay for the water so taken, and the damages occasioned thereby.

The Petitioners represented, that the water secured to them was not sufficient for the wants of the people, and they asked for an increase. The true question before the Committee was one of exigency. Was more water wanted by the public ? Was there a deficiency in the existing supply, for the common good of the people ?

In imitation of the opposing counsel, he would call the Committee to the topographical view of Springfield, on the subject of its water wants ; and, after noticing the peculiar situation of the town, as it appeared in evidence, it was proved, he said, that its water was generally bad. Even in the early days of Doctor Osgood, 40 years ago, it was bad ; and, though the water of the Doctor's well was good to drink, as also that of some of his neighbors, yet spring-water was wanted *then* ! If it had not been so, the Doctor never would have engaged in the construction of aqueducts for his own necessities, and for sale to his people.

He remarked upon the circumstances connected with the hearing of the application the last year; the visit of the Committee to Springfield; their long examination of witnesses, and the unanimity of their Report; unanimous, save only in the dissent of one member, who, from the evidence, appeared to labor under feelings induced by prejudices improperly engendered. The Legislature had passed the Bill, with some amendments reported by that Committee. The fact then had been legislatively passed upon—adjudicated,—that more water was then wanted. If that supply was sufficient, the Petitioners ought not to be here; but, if there is the same exigency for the supply of more water now, as there was for the supply of 1848, then he could see no reason why the Legislature should not extend the powers prayed for, commensurate with the necessity.

Why, he asked, are the Petitioners here now? Why seek to pay damages to land-owners, mill-owners, aqueduct-makers and laborers, if they have water enough already?

The counsel for the Remonstrants had answered that question. They wanted it to sell! To whom? The answer is—to the people! to those who want to pay for it, and to use it!

How many of these people are they? The petitioners show the names of 1,054 who ask for the Act, and all these persons reside upon a single square mile, in the village of Springfield! It was said that names were nothing—that the repetition of names, was only the repetition of the same reason; and, that a petition numerously signed, carried no more weight with it, than one with but few names upon it. He did not so regard it; and when he saw the names of between two and three hundred females, some of them well known to him, and proved to the Committee to be of the highest character in Springfield, he thought that the Petitioners were not to be thrown aside, as not deserving the confidence of the Committee.

Another piece of evidence had been produced by the Remonstrants, which seemed to show, most strongly, a public exigency. He alluded to the Petition of Lauren Trask and others, for an Act of Incorporation for supplying the people of this same Springfield, with pure water from Mill River. Here come some half a dozen of the owners of that most industrious stream of water, proposing to divert it from the works of the United States and from their own Mills—proposing to pay to Mr. Bangs some \$30,000 for his property, in order to remove his objections to the diminution of his water-power, unless they can induce him to join with them in this profitable undertaking.

Their counsel had anticipated an objection, that this scheme of introducing water from Mill River was a feint to defeat the Petitioners, without any intention of actually carrying it out. He should make, he said, no such objection. How could he make it, in the face of the evidence? For it was fully proved by the Remonstrants, that it was a real scheme, and a profitable one; that, though Mr. Bangs at first objected to it as tending greatly to injure his water power, yet that such arguments and inducements had been made to him by the other owners of the power, that they had good reason to believe that he would consent to unite with them in diverting the water from his mills, to the supply of the wants of the people. How could he make such an objection, when Mr. Trask has testified that there had been, during the first year, a great and general cry among the people for more water! a demand so exigent, as to induce him to believe that its supply afforded to the people for the daily wants of life, would be more profitable to the owners, than the use of it, nine times over, for manufacturing purposes!

In corroboration of the evidence of Mr. Trask, was that of Col. Bliss, one of the opposers of the Petitioners, and the Counsel of the Remonstrants. He had testified, according to the minutes of the Reporter before him, that the proper place from which to take the water for the supply of the wants of the people, was this very Mill River; though Col. Bliss had himself admitted, as appeared on the same minutes, that the water was not so good

in quality as the water of the Petitioners. He should not remark upon a portion of the testimony of Col. Bliss, relating to its fitness for the use of the people upon the flat, because the expression was denied by him as having been made; but, for his part, he could see no great difference between the point so denied, and the testimony above referred to. What right has Col. Bliss, or any other man, who happens to be well supplied himself with pure water, to come here and say that the people shall drink a *poor* quality of water? That they shall not be allowed to drink the *purer* water of the Petitioners, but shall be compelled to use the *poorer* quality which comes from Mill River?

For his own part, he could say that the very best of water, which is brought by an aqueduct, is poor enough. In comparison with the water from a good well, the Cochituate water is poor. And he would say to the Committee, as he had before said to Mr. Stearns, that the water brought from the pure springs of the Petitioners, is, comparatively, poor. Even in the Union House, one of the very best hotels in the State, and in the whole country, the water of their aqueduct, though brought from a spring, and with especial care, is poor. Such, from the time he had known it, had been his opinion; and, though he had been an inmate of the house ever since its establishment, at frequent intervals, yet that frequent use had not led him to regard it as equal to good well water. Such an opinion he had heard expressed of it by others.

Taking, then, this testimony of Mr. Trask and Col. Bliss to be true, was not the exigency made out? The argument was briefly this. A large portion of the people have no supply. An investment of \$25,000 has made the town plat of Springfield "a net-work of aqueduct pipes;" and yet, so great and loud has been the cry for *pure water*, that, in the opinion of the owners of Mill River—in the opinion of Col. Bliss, it is proper to introduce even the poorer water of that industrious stream—a stream whose industry has imparted to Springfield no inconsiderable portion of its wealth—for the supply of the daily uses of the inhabitants of that town, as an article of daily diet! If this evidence did not prove an exigency, how was it to be proved? Look at the special legislation upon this subject, extending from the beginning of the present century to the past year. Look at the provisions for the supply of Boston, of Salem, of Worcester, and, more than all, of Adams, and Williamstown, in the midst of the spring-gushing hills of Berkshire, and see where a case of exigency has been made more apparent!

But there was other evidence, even from the Remonstrants. It was proved from their witnesses, that the Town Brook, once the source of a large supply, had now failed, and was merely a sewer to carry off the filth of the village—that some of the persons now depending upon the Petitioners were forced to go to their neighbors, because of an inadequate supply—that wells which were formerly tolerable, (at the American, for instance,) are now brackish and bad—and that a large and an increasing population, north of the Railroad, have no means of supply but from the sources of the Company. Even the Poor-House is in want! and the Overseer testified that it could be better supplied from the water of the Petitioners than from its present means. In proof of these positions, Mr. BATES referred to the testimony of Elijah Blake, Samuel S. Day, Lauren Trask, Josiah Hooker, George Bliss, George Dwight, James Brewer, and Samuel Osgood, whose testimony he examined particularly.

But, it was objected, that if the water was wanted, it was not necessary to take these springs, since there were other sources of supply, except Mill River; and Col. Bliss had stated, that *he* was the owner of water sufficient for several hundred families, which he was ready and willing to sell. Why had he not sold it before? And how did it happen, that, while Col. B. had in possession enough and to spare, and the people had long been in want, and even the Remonstrants themselves were supplied by the Petitioners, he had never opened his springs to the thirsty mouths of the people? The an-

swer was an obvious one! and that answer was an index of the motive of his opposition.

The Committee would place much reliance upon the testimony of Capt. George Dwight, who probably knew as much upon this subject as any one of the Remonstrants' witnesses. That witness testified to a scarcity, in some parts of the town, and he further stated, that the people being generally poor, could only supply themselves by forming voluntary associations. Now if these Petitioners should be sent away, without the means of supplying existing and increasing wants, and the Mill River project should fail, as *possibly* it may, and these associations should be formed for the purpose of obtaining one of the means of life, from *whom* can they obtain it? From Col. Bliss, provided they will pay a price sufficient to induce him to part with what neither the efforts of competition, nor the demand, nor his regard for Mr. Stearns, nor his love of the people have yet induced him to part with—his abundant supply of water!

The fact of this supply, still unsold, but ready to be sold, would seem to aid the prayer of Petitioners. They want the water *to sell*. The people wish to buy it; and while these two sources of supply remain, they can never be taxed exorbitantly for this great necessary of life.

It was, also, contended upon the evidence, that the supply, for present necessities could be obtained, if the Petitioners should put an end to the contract with the Western Railroad Corporation, and divert their water from the purposes of the Road, to the uses of the people. Granting that the parties could come to an arrangement, so as to annul the existing contract, which, by the way, is by no means clear, why should the Petitioners forego a fair and advantageous contract with the Corporation? They are authorized to sell water, as well to them as to individuals; and if their contract is a valuable one, why should they be forced, or called upon to relinquish it? Why may not they make a further use of their own water and springs, provided they are made to pay all damages to every person or persons who may be injured by such use?

Thus far, said Mr. BATES, the argument has proceeded principally upon the evidence adduced by the remonstrants. There was, besides, the testimony of thirteen witnesses, who stated facts, and who gave opinions, which would seem entitled to the confidence of the Committee. It appeared fully from their statements, that there was a want of water, notwithstanding the existing supply; and they all concurred in the expression of an opinion that there was a public exigency. The Committee could judge, from the character of men, how much reliance to place upon these facts, and from the facts stated by them, as to the correctness of their opinions.

He then adverted to the statements of Charles Stearns, Samuel Bailey, John B. Kirkham, Joseph Stebbins, Joseph D. Decreet, G. R. Townsley, P. Clapp, John D. Gould, Lewis Foster, Jr., Heman Smith, Wm. H. Parsons, and Hon. Wm. B. Calhoun, as bearing upon this part of the subject.

Mr. BATES next adverted to the injuries, which might result to individuals, from the use of the water; and went into an extended analysis of the evidence bearing upon this point. He felt disposed to adopt the definition of the counsel, of a public exigency; and was willing to take it upon himself to show that the benefit was a public benefit, greater in its advantages to the people of the village, than in its injuries to individuals.

The Petitioners asked for two streams; and the questions and considerations relating to them, depending upon different facts, he thought it well to consider them separately.

One of them was called the Vanhorn spring, lying north of the Railroad, and was one of the sources of the North-end brook, which ran through land of Pliny Chapin, Dr. Osgood, Morgan & Day, James and Daniel Chapin, Francis Burt, Josiah Hooker, Horatio Sargeant—to the Connecticut River. All the water they proposed to take, ran through a five-inch bore, filling it, *with no head*, about two-thirds full. The spring is on land of Charles Stearns, from whom the Petitioners derive their title, and constitutes, accord-

ing to some of the testimony, about one-fifth or one-sixth part of the brook. From its source to its mouth, there are no manufactories upon it, or any machinery, except a water-ram, on the farm of Mr. Hooker. It does not overflow its banks, except in freshets, and has hitherto been used, wholly and exclusively for watering stock, and the Town Poor. Some of the persons through whose lands it passes, are petitioners for the Bill, and others oppose it. For what reason? Why do these few persons, Mr. Hooker, Dr. Osgood, Mr. Burt, the Overseers of the Poor, and Morgan & Day, object that the mass of the people shall not be allowed pure water for family uses?

Will the land-owners be cut off from water for their stock? Dr. Osgood says no! that the spring is a "*perennial*" one—one of the most constant streams in the limits of his acquaintance—that there are other springs which empty into the brook, below the Vanhorn Spring, and insure an abundant supply for all agricultural purposes. He stated also a fact, which is conclusive on this point, that the brook, at the Cabotville road, is from half a rod to a rod in width, in some places; and, though very shallow, that it moves with a quick current. Other witnesses corroborate him on this point.

How else are they injured? Why, since this Petition has been got up, some wiseacre has given Mr. Burt to be informed that he has a good water privilege on this brook; but the honest old gentleman, Mr. Burt, could not state what the value affixed to it had been, without voluntarily and fairly qualifying his statement by saying that perhaps the Committee would think that there was something a little strange in the matter.

But, however this might be, there was to this stream, and to the owners of the land through which it passes, one answer, and it was this: Provide, in the Bill, that if, at any time, there shall be a deficiency of water in the stream for all the purposes for which the stream has been used from time immemorial, including Mr. Hooker's ram and the town poor, the Petitioners shall be bound to supply such deficiency from their aqueducts. And if Mr. Burt has any such water power, of any such value, that the Petitioners shall pay him, as they are bound to pay for all other privileges, the full value of the same. In this way, the right of all persons would be guarded; and the water, which now runs uselessly to the Ocean, would be made subservient to the health and the enjoyment of the people.

The other spring, he said, rested upon different considerations. There were existing mill-privileges upon it, established long anterior to any projects of this Company; and it was true, as had been stated, that a process in equity was now pending in the S. J. Court against Mr. Stearns for the diverting of the water. In that process against Mr. Stearns he was one of the Counsel, and should endeavor to do his utmost in the preparation and trial of the case. But, in his opinion, that case had nothing to do with the present application; and Mr. Bates here explained the point in issue upon the pleadings.

It had been adjudged, he said, by the Legislature of 1848, that certain sources of this brook might be taken by the Petitioners. They had undertaken to pass upon the lawfulness of the appropriation, and the exigency requiring it. If they were wrong, in the first point, we should soon hear of it from the proper tribunal. What this Committee has to deal with, is with the latter branch of the subject. They have only to say whether, according to the definition of his friend, the learned counsel of the Remonstrants, it was a greater benefit to the people that the spring should be used for the purposes of life, than of injury to the manufacturers, if it should be diverted from their water wheels!

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